Notice of Allowability	Application No.	Applicant(s)	
	10/025,023	BRISTOL, GUY SCOTT	
	Examiner	Art Unit	
	Vanel Frenel	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *6/8/07*.
2. ☒ The allowed claim(s) is/are *1,2 and 4-74*.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 6/8/07. Claims 1, 2, 8, 9, 12-14, 17, 20, 33, 34, 38-42, 46, 47, 53, 66, 70 and 74 have been amended. Claim 3 has been cancelled. Claims 75-82 have been added and also cancelled by Examiner's amendment. Claims 1-2 and 4-74 are pending.

Allowable Subject Matter

2. Claims 1-2, and 4-74 are allowed. The following is an examiner's statement of reasons for allowance.

Independent claim 1 is directed to "a remote suite of computer readable remote program code devices for support of therapeutic substance infusion devices connected though said network comprising: a first computer readable remote program code device adapted to permit a user to provide feedback to a therapeutic substance infusion device manufacturer regarding the operation of the one or more therapeutic substance infusion devices; a second computer readable remote program code device which allows the user access to a report including information on therapeutic substance infusion device patient support and device replacement management; a third computer readable remote program code device which allows the user access to literature providing information concerning therapeutic substance infusion devices; and a fourth computer readable remote program code device".

The closest prior art of record, Engleson et al (5,781,442) discloses system and method for collecting data and managing patient care.

Vasko (5,871,465) discloses remotely programmable infusion system.

However, none of the cited prior art discloses above fairly/ suggests "a remote suite of computer readable remote program code devices for support of therapeutic substance infusion devices connected though said network comprising: a first computer readable remote program code device adapted to permit a user to provide feedback to a therapeutic substance infusion device manufacturer regarding the operation of the one or more therapeutic substance infusion devices; a second computer readable remote program code device which allows the user access to a report including information on therapeutic substance infusion device patient support and device replacement management; a third computer readable remote program code device which allows the user access to literature providing information concerning therapeutic substance infusion devices; and a fourth computer readable remote program code device".

Independent claim 41 is directed to "a suite of computer readable remote program code devices for support of therapeutic substance infusion devices connected through said network including: a first computer readable remote program code device that allows a user to manage therapeutic substance infusion devices, said first application allowing the user to register a therapeutic substance infusion device with a medical manufacturer; a second computer readable remote program code device that allows the user access to a report which includes information on therapeutic substance infusion device patient support and device replacement management, said second

application further allowing the user to view a list of therapeutic substance infusion devices implanted in or more patients and schedule events pertaining to these devices; a third computer readable remote program code device which allows the user access to literature and materials providing information concerning therapeutic substance infusion devices, said literature and materials being specifically targeted based upon user profile information; and a fourth computer readable remote program code device that allows a clinician to communicate with a pharmacy wherein the clinician can place orders of a therapeutic agent on behalf of a patient".

The closest prior art of record, Engleson et al (5,781,442) discloses system and method for collecting data and managing patient care.

Vasko (5,871,465) discloses remotely programmable infusion system.

However, none of the cited prior art discloses above fairly/ suggests "a suite of computer readable remote program code devices for support of therapeutic substance infusion devices connected through said network including: a first computer readable remote program code device that allows a user to manage therapeutic substance infusion devices, said first application allowing the user to register a therapeutic substance infusion device with a medical manufacturer; a second computer readable remote program code device that allows the user access to a report which includes information on therapeutic substance infusion device patient support and device replacement management, said second application further allowing the user to view a list of therapeutic substance infusion devices implanted in or more patients and schedule events pertaining to these devices; a third computer readable remote program

code device which allows the user access to literature and materials providing information concerning therapeutic substance infusion devices, said literature and materials being specifically targeted based upon user profile information; and a fourth computer readable remote program code device that allows a clinician to communicate with a pharmacy wherein the clinician can place orders of a therapeutic agent on behalf of a patient".

In dependent claim 74 is directed to "a suite of computer readable remote program code devices in communication with said server for support of said therapeutic substance infusion devices connected through said network including: a first computer readable remote program code device adapted to allow a user to manage therapeutic substance infusion devices, said first computer readable remote program code device adapted to allow the user to submit therapeutic substance infusion device performance data to, and register a therapeutic substance infusion device with, a medical device manufacturer so that the medical device manufacturer can inform users of important therapeutic substance infusion device issues; a second computer readable remote program code device that allows the user access to reports detailing therapeutic substance infusion device patient support and device replacement management, said report providing a list of therapeutic substance infusion devices implanted in one or more patients, a schedule of events pertaining to these devices, and an estimated lifetime of the therapeutic substance infusion device; a third computer readable remote program code device which allows a user access to literature and materials providing information concerning therapeutic substance devices, said literature and materials

being specifically targeted based upon user profile information; and a fourth computer readable remote program code device that allows a clinician access to a pharmacy wherein the clinician can place orders for a therapeutic agent on behalf of a patient".

The closest prior art of record, Engleson et al (5,781,442) discloses system and method for collecting data and managing patient care.

Vasko (5,871,465) discloses remotely programmable infusion system. However, none of the cited prior art discloses above fairly/ suggests "a suite of computer readable remote program code devices in communication with said server for support of said therapeutic substance infusion devices connected through said network including: a first computer readable remote program code device adapted to allow a user to manage therapeutic substance infusion devices, said first computer readable remote program code device adapted to allow the user to submit therapeutic substance infusion device performance data to, and register a therapeutic substance infusion device with, a medical device manufacturer so that the medical device manufacturer can inform users of important therapeutic substance infusion device issues; a second computer readable remote program code device that allows the user access to reports detailing therapeutic substance infusion device patient support and device replacement management, said report providing a list of therapeutic substance infusion devices implanted in one or more patients, a schedule of events pertaining to these devices, and an estimated lifetime of the therapeutic substance infusion device; a third computer readable remote program code device which allows a user access to literature and materials providing information concerning therapeutic substance devices, said

literature and materials being specifically targeted based upon user profile information; and a fourth computer readable remote program code device that allows a clinician access to a pharmacy wherein the clinician can place orders for a therapeutic agent on behalf of a patient".

Claims 2, 4-40 and 42-73 incorporate the features of claims 1, 41 and 74 through their dependencies, and are also allowed for the same reasons given above.

A search has been conducted for a foreign prior art, however, none has been found.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Mary Yawney Redman on 8/15/07. During the interview Attorney agreed to cancel claims 75-81 and also changed the dependency of claim 4 into claim 1. No further questions were discussed and no further amendments were made.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender, Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F
V.F

F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER